

APPEAL NO. 031278
FILED JULY 8, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 12, 2003. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____, and therefore he did not have disability. The claimant appealed on sufficiency of the evidence grounds and asserted hearing officer bias. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The claimant testified that he was employed by a personnel service, and that at the time he asserts he sustained the _____, injury he was assigned to clean out an apartment. The claimant asserts that he sustained an injury to his neck and left shoulder when he lifted a bag of garbage weighing approximately 65 pounds over his shoulder. The claimant testified that he felt immediate pain, but that he tried to ignore it and continued to work the rest of the day and did work the following day. The claimant first sought medical treatment on May 29, 2002, sought further treatment on June 12, 2002, and commenced chiropractic treatment on June 24, 2002. The record reflects that the claimant did not report the injury to his employer until June 19, 2002. The claimant testified that he did not immediately report the injury because he had just obtained employment after a period of five months of unemployment, and he did not want to admit he was injured.

On appeal, the claimant takes issue with the hearing officer's conduct at the hearing. The claimant asserts that the hearing officer improperly disallowed certain questions and attempted to intimidate the lay representative. While the hearing officer's conduct may have been injudicious, upon review of the entire record we cannot say that he exhibited bias in reaching his decision in this matter.

We have reviewed the complained-of determinations and find that the hearing officer's Decision and Order is supported by sufficient evidence to be affirmed. The disputed issues presented questions of fact for the hearing officer. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a); Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence presented on the disputed issues. The carrier pointed out certain discrepancies in the medical record, and the claimant offered explanations for the same. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts have been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record reveals that the hearing officer's determinations are so

contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse those determinations on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN AUTOMOBILE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT SYSTEMS
800 BRAZOS
AUSTIN, TEXAS 78702.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Veronica Lopez-Ruberto
Appeals Judge